IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.12204 of 1998

Between:

K.N.V.Ravindranath Gupta S/o K.N.Veeraswamy Gupta
R/o.Tirupati

..... PETITIONER

AND

1 The Dist. Manager, AP. State Civil Supplies Corp. Ltd.
Chittoor.
2 The Mandal Revenue Officer
Tirupati (Urban), Tirupati
3 The Joint Collector & Ex-Officio E.D.,A.P.S.C.S, Corp. Ltd.
Chittoor.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus, declaring the action of the respondents in determining the shortages in stocks amounting to Rs.5,77,025.39 without reference to all the records relating to the stocks supplied to petitioner and stocks distributed by petitioner and certification as regards distribution and deposit of value month to month and without affording opportunity to petitioner to put forth defence with reference to such records as arbitrary and illegal and consequently direct the Respondent No.1 to conduct enquiry with reference to all original records concerning supply, distribution, remittances, certificate and payment of commission available with the 1st respondent by permitting the petitioner to be present through an advocate and put forth defence and to arrive at the shortages if any and value thereafter and settle all accounts including refund of security deposit and payment of unpaid bills.

Counsel for the Petitioner: MR.P.HARINATH GUPTA

Counsel for the Respondents: MR.M.B.THIMMA REDDY

The Court made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondents in determining the shortage in rice stocks to the tune of Rs.5,77,025.39 ps., without reference to the records relating to the stocks supplied to petitioner and distributed by him, and without affording him opportunity of hearing as arbitrary and illegal, and consequently to direct the 1st respondent to conduct enquiry with reference to all the original records and settle all accounts, including refund of security deposit and pay the unpaid bills.

The petitioner is said to have been appointed as Taluk Stockist for Tirupati during the year 1981 for the purpose of taking delivery of essential commodities meant for public distribution from the F.C.I Godown, and deliver the stocks to Fair Price Shops as per departmental instructions. The contract of the petitioner was terminated by the end of December, 1985 and subsequently the 1st respondent in his letter dated 10.12.1997 informed the petitioner that there is shortage of 1186 quintals of Rice and directed him to remit an amount of Rs.5,77,025.39 ps. Having received the said notice, the petitioner is said to have submitted reply dated 23.03.1998. Thereupon, the 1st respondent vide his letter dated 15.04.1998 directed the petitioner to produce documentary evidence available with him on or before 25.04.1998. As all the relevant records are with the 1st respondent alone, the petitioner sent a reply dated 25.04.1998 explaining the same. The grievance of the petitioner is that the respondents are trying to recover the determined amount from him under the A.P. Revenue Recovery Act, 1864 without affording any opportunity of hearing to him. Hence, he filed the present writ petition.

A counter affidavit is filed by the 1st respondent denying the allegations of the petitioner and stating that consequent on the formation of Mandals, the Taluk Level Stock Point of the petitioner was terminated, and he was directed to handover the stocks i.e., Rice and Wheat to the person nominated by the Mandal Revenue Officer, Tirupati (Urban). It is further stated that after reconciliation of petitioner's accounts by

the Audit Party the shortage in rice stocks was determined at Rs.5,77,025-39 ps., after adjusting the Security Deposit and Commission charges and a notice dated 22.06.1989 was also issued to the petitioner calling upon him to file his objections along with documentary evidence. The petitioner having received the said notice requested two months time up to 30.09.1989, and accordingly two months time was granted to the petitioner, directing him to produce all relevant records maintained by him. But, the petitioner neither produced the records nor came forward for reconciliation of accounts in spite of several notices and opportunities given to him on the following dates;

S.No.	Lr.No.	Date
1	Roc.No.695/87	18.07.1990
2	Roc.No.A6/695/87	20.01.1992
3	-do-	29.04.1992
4	-do-	20.05.1992
5	-do-	16.07.1992
6	-do-	13.08.1992
7	-do-	15.09.1982
8	-do-	09.11.1992
9	-do-	05.10.1988
10	-do-	19.08.1993
11	-do-	18.12.1993
12	-do-	12.10.1996
13	-do-	10.12.1997
14	-do-	15.04.1998

So, without appearing before the 1st respondent and producing documentary evidence, if any, available with him to substantiate his contention, the petitioner filed the present writ petition.

Heard the learned counsel for petitioner and learned counsel for the Respondents.

As can be seen from the record, on receipt of notice dated 10.12.1997, issued by the respondent-Corporation determining the shortage in rice stocks to a tune of Rs.5,77,025.39 ps., the petitioner submitted his reply dated 23.03.1998. Thereupon, the 1st respondent vide his letter dated 15.04.1998 directed the petitioner to produce documentary evidence, if any, available with him before the 1st respondent on or before 25.04.1998 to substantiate his contention. But, the petitioner, in spite of being provided as many as 14 opportunities, failed to respond properly and produce any material before the 1st respondent to substantiate his claim and on the other hand he came up with the present writ petition.

The impugned notice clearly shows that the value of shortage in rice stocks was determined on the basis of the material available on record and the report submitted by the Audit party.

Even though the petitioner was given 14 opportunities, he neither produced any material nor appeared before the 1st respondent. This conduct of the petitioner shows that he has no documentary evidence or material to substantiate his case. Yet, the petitioner filed the present petition, obtained stay orders and dragged on the matter for all these years.

In the circumstances, I see no reasons to entertain the writ petition. The writ petition has no merit and it is accordingly dismissed. No costs.

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N.V. RAMANA, J.

Date: 11.03.2005

Nsr/Ksr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Dist. Manager, AP. State Civil Supplies Corp. Ltd.
Chittoor.
2 The Mandal Revenue Officer
Tirupati (Urban), Tirupati
3 The Joint Collector & Ex-Officio E.D.,A.P.S.C.S, Corp. Ltd.
Chittoor.

4 Two CD copies

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